

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Shirley *et al.* Confirmation No.: 3374
Appl No.: 10/035,397 Group Art Unit: 1646
Filed: October 25, 2001 Examiner: J. Andres
For: HSA-FREE FORMULATIONS OF INTERFERON-BETA

July 2, 2003

JUL 11 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES

This is in response to the Office Action dated March 7, 2003, in which the Examiner has required Applicants to elect a single disclosed species of buffer for examination on its merits in the event that no generic claim is finally held to be allowable. Currently claims 1-6, 13-18, 31-40, 47, 48, 82-84, 88-94, 98-101, and 102 as it pertains to base claims 1 and 36 are generic with respect to buffer.

Applicants hereby elect without traverse aspartic acid buffer as the buffer for examination on its merits; claims 1-6, 8, 11, 13-18, 23-26, 31-40, 43, 44, 47, 48, 51, 52, 57, 58, 68-74, 82-84, 86, 88-94, 96, and 98-102 are readable thereon. Applicants expressly reserve the right to file a divisional application or take such other appropriate measures deemed necessary to protect the inventions encompassed by the nonelected species in the event that no generic claim is finally held to be allowable. Should one or more generic claims be deemed to be allowable, it is understood that Applicants will be entitled to consideration of claims to additional species where these claims are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.

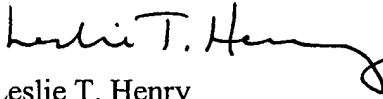
Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper,

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such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

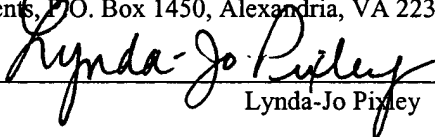
Respectfully submitted,


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Date of Deposit July 2, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Lynda-Jo Pixley